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FACSIMILE TRANSMITTAL SHEET

October 3, 2003

TO: Examiner A. Chakrabarti
 Group Art Unit 1634
 U.S. Patent & Trademark Office
 FACSIMILE NO.: (703) 872-9306
 FROM: David M. Tener, Esq.
 NO. OF PAGES: 7 (Including Cover)

Our Reference No.: E1047/20060

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FACSIMILE TRANSMISSION CERTIFICATION

I hereby certify that this correspondence (including the attached Request for Reconsideration, Terminal Disclaimer, Statement Under 37 CFR 3.73(b) and Fee Transmittal in duplicate) regarding the application identified below, is being transmitted via facsimile to the United States Patent and Trademark Office on this 3rd day of October, 2003.


 David M. Tener, Reg. No. 37,054

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/911,047

Group Art Unit: 1634

Filed: July 23, 2001

Examiner: A. Chakrabarti

Att. Docket No.: E1047/20060

Confirmation No.: 3230

For: **HOMOGENEOUS ASSAY OF BIOPOLYMER BINDING BY MEANS OF
 MULTIPLE MEASUREMENTS UNDER VARIED CONDITIONS**

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 55.00**Complete if Known**

Application Number 09/911,047
 Filing Date July 23, 2001
 First Named Inventor Glen H. ERIKSON et al.
 Examiner Name A. Chakrabarti
 Art Unit 1634
 Attorney Docket No. E1047/20060

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Caesar, Rivise et al.

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Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1602 900	1602 900	Request for expedited examination of a design application	
Other fee (specify) Statutory Disclaimer 37 CFR 1.20(d)			55.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 55.00**SUBMITTED BY**

Name (Print/Type) David M. Tener

Registration No.

37,054

(Complete if applicable)

Telephone 215-567-2010

Signature

Date 10/03/2003

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Application Number	09/911,047
Filing Date	July 23, 2001
First Named Inventor	Glen H. ERIKSON et al.
Examiner Name	A. Chakrabarti
Art Unit	1634
Attorney Docket No.	E1047/20060

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
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03-0075

Caesar, Rivise et al.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0.00)

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Total Claims	Extra Claims	Fee from below	Fee Paid
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Multiple Dependent	-9** =	X	

Large Entity		Small Entity		Fee Description
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SUBTOTAL (2) (\$ 0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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1403	290	2403	145	Request for oral hearing	
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1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
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Other fee (specify) Statutory Disclaimer 37 CFR 1.20(d)					55.00

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SUBTOTAL (3) (\$ 55.00)**SUBMITTED BY**

Name (Print/Type) David M. Tener

Registration No.
(Attorney/Agent)

37,054

(Complete if applicable)

Telephone 215-567-2010

Signature

Date

10/03/2003

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION**

Applicant(s): Glen H. ERIKSON et al.

Serial No: 09/911,047

Group Art Unit: 1634

Filed: July 23, 2001

Examiner: A. Chakrabarti

Att. Docket No.: E1047/20060

Confirmation No.: 3230

For: HOMOGENEOUS ASSAY OF BIOPOLYMER BINDING BY MEANS OF
MULTIPLE MEASUREMENTS UNDER VARIED CONDITIONS**REQUEST FOR RECONSIDERATION**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 30, 2003, favorable reconsideration is respectfully requested in view of the following remarks. Claims 1-29 are pending.

Applicants gratefully acknowledge the indication in the Office Action that the pending obviousness-type double patenting rejection of claims 1-18 and 20-29 (the sole rejection in the Office Action) can be overcome by the filing of a Terminal Disclaimer over U.S. Patent No. 6,265,170 B1. Such a Terminal Disclaimer and a Statement Under 37 CFR 3.73(b) are attached to obviate these rejections. Authorization to charge the corresponding fee to our Deposit Account No. 03-0075 is provided in the attached Fee Transmittal Form. Accordingly, reconsideration and withdrawal of the obviousness-type double patenting rejection of claims 1-18 and 20-29 are respectfully requested.

Application No. 09/911,047
Request for Reconsideration Dated October 3, 2003
Reply to Office Action of September 30, 2003

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By 

David M. Tener
Registration No. 37,054
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

October 3, 2003

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